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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 ALEX MEDINSKIY,

10 Petitioner,

11 v.

12 A. NEIL CLARK,

13 Respondent.

CASE NO. C08-1478-RSM-BAT

REPORT AND RECOMMENDATION

14 On October 6, 2008, petitioner Alex Medinsky, proceeding pro se, filed a Petition for Writ  
15 of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his detention by the U.S. Immigration  
16 and Customs Enforcement (“ICE”) at the Northwest Detention Center in Tacoma, Washington.  
17 (Dkt. 6). On December 5, 2008, however, respondent filed a Return Memorandum and Motion to  
18 Dismiss the Petition for Writ of Habeas Corpus as Moot, indicating that on November 24, 2008,  
19 petitioner was surrendered to the King County Sheriff’s Department pursuant to an outstanding  
20 arrest warrant. (Dkt. 11). Respondent further indicates that on December 9, 2008, petitioner  
21 reported back to ICE after he was released by the King County Sheriff’s Department and was  
22 released from ICE custody pursuant to an Order of Supervision. (Dkt. 13). Respondent asserts that  
23 because petitioner has been released from ICE custody, his habeas petition should be dismissed  
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1 as moot. *Id.*

2 For a federal court to have jurisdiction, “an actual controversy must exist at all stages of  
3 the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9<sup>th</sup> Cir. 2002).  
4 “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner is no longer  
5 detained by ICE, the Court finds that petitioner’s habeas petition should be dismissed as moot.  
6 *See, e.g., Cooney v. Edwards*, 971 F.2d 345, 346 (9<sup>th</sup> Cir. 1992) (holding that the District Court  
7 properly dismissed plaintiff’s claims that had become either moot or unripe). Accordingly, I  
8 recommend that respondent’s motion to dismiss as moot be granted, and that this action be  
9 dismissed without prejudice. A proposed Order accompanies this Report and Recommendation.  
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11 DATED this 16<sup>th</sup> day of December, 2008.  
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15 BRIAN A. TSUCHIDA  
16 United States Magistrate Judge  
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